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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,)
09 Plaintiff,) CASE NO. CR10-011-RAJ
10 v.)
11 AUSHAWNTE CHARMAINE SPENCER,) SUMMARY REPORT OF U.S.
12 Defendant.) MAGISTRATE JUDGE AS TO
ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
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14 An evidentiary hearing on supervised release revocation in this case was scheduled
15 before me on January 13, 2012. The United States was represented by AUSA Justin Arnold
16 and the defendant by Peter Avenia. The proceedings were digitally recorded.

17 Defendant had been sentenced on or about February 6, 2009 by the Honorable
18 Lawrence J. O'Neill of the Eastern District of California, Case No. CR06-323, on a charge of
19 Conspiracy to Commit Interstate Travel in Aid of Racketeering, and sentenced to 48 months
20 custody, 36 months supervised release.

21 The conditions of supervised release included the standard conditions plus the
22 requirements that defendant submit to search, provide her probation officer with access to

01 financial information upon request, participate in drug treatment and testing, be prohibited from
02 having access to a cell phone or pager without permission of her probation officer, abstain from
03 alcohol, participate in a mental health program, and make payment toward the costs of
04 treatment as directed. (Dkt. 3 at 4.)

05 The case was transferred to this District on January 22, 2010 (Dkt. 1.)

06 In an application dated March 15, 2011 (Dkt. 4, 5), U.S. Probation Officer Carol A.
07 Chavez alleged the following violations of the conditions of supervised release:

08 1. Failing to participate in urinalysis drug testing on October 20, November 17 and
09 29, 2010, January 25, 26, and 27, February 3 and 15, March 2, 3, 9, and 10, 2011; in violation of
10 the special condition that she participate in a program of drug testing.

11 2. Using cocaine on or before November 30, 2010, in violation of the condition
12 that she refrain from any unlawful use of controlled substances.

13 3. Using alcohol on or before November 2, 10, and 30, 2010, in violation of the
14 special condition that she abstain from the use of alcoholic beverages.

15 4. Failing to report to All About Choices drug treatment program as directed in
16 December 2010, in violation of the special condition that she participate in a correctional
17 treatment program as directed by the U.S. Probation Office.

18 5. Failing to report as directed to the Moral Reconciliation Therapy (MRT) program
19 on December 22, 2010, and thereafter, in violation of the special condition that she participate
20 in a program of mental health treatment.

21 6. Failing to submit a written report to the U.S. Probation Office within the first
22 five days of January and February 2011, in violation of standard condition No. 2.

7. Failing to obtain or maintain employment since her release from custody in September 2010, in violation of standard condition No. 5.

Defendant was advised in full as to those charges and as to her constitutional rights.

Defendant admitted the violations and waived any evidentiary hearing as to whether they occurred. (Dkt. 10.)

I therefore recommend the Court find defendant violated her supervised release as alleged in violations, 1-7 and that the Court conduct a hearing limited to the issue of disposition. The next hearing will be set before Judge Jones.

Pending a final determination by the Court, defendant has been released on supervision.

DATED this 13th day of January, 2012.


Mary Alice Theiler
United States Magistrate Judge

cc: District Judge: Honorable Richard A. Jones
AUSA: Justin Arnold
Defendant's attorney: Peter Avenia
Probation officer: Carol Chavez